

### **REMARKS**

By this amendment, claims 1, 4-6, 8 and 11 are amended, and claim 10 is cancelled. Thus, claims 1-9 and 11 are pending in this application. Reexamination and reconsideration of the application are respectfully requested.

The specification has been reviewed and revised to make grammatical and idiomatic improvements in order to aid the Examiner in further consideration of the application. No new matter has been added.

In item 1 on page 2 of the Office Action, the Examiner objects to the drawings. Specifically, the Examiner asserts that layer 8 is not defined in the specification. Applicants are submitting herewith replacement drawing sheets for Figs. 1 and 2 which remove reference numeral 8 from Figs. 1 and 2. Accordingly, Applicants kindly request that the objection be withdrawn.

In items 2-4, claims 1, 4 and 8 are objected to for the reasons set forth on page 3 of the Office Action. Regarding claim 1, the Examiner asserts that in line 3, "a record layer" should be changed to "a first record layer." Regarding claim 4, the Examiner asserts that in line 3, "the record layer" should be changed to "the first record layer." Regarding claim 8, the Examiner asserts that in line 4, "as a transmittance adjustment layer" should be change to "and acts to adjust transmittance." Applicants have amended these claims in a manner to overcome the Examiner's objections. Accordingly Applicants respectfully request that the objections to the claims be withdrawn.

In items 5 and 6 on page 3 of the Office Action, claim 4 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicants have amended claim 4 in a manner to overcome this rejection. In particular, Applicants have amended claim 4 to clarify that the optical information recording medium comprises a first information layer having the first record layer, the first dielectric layer and the second dielectric layer; a second information layer; and the first information layer is provided on the second information layer. Support for this amendment can be found, for example, at page 13, lines 13-18 of the specification. Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

In items 7 and 8 on page 4 of the Office Action, claims 1-8, 10 and 11 are rejected under

35 U.S.C. § 102(b) as being anticipated by Uno et al. (U.S. Patent Number 6,449,239). This rejection is believed clearly inapplicable to amended independent claims 1 and 6 and claims 2-5, 7-9 and 11 depending therefrom, for the following reasons.

Independent claim 1 recites an optical information recording medium comprising a first dielectric layer which is formed between the first record layer and the substrate, and mainly composed of niobium oxide. Similarly, independent claim 6 recites a method for manufacturing an optical information recording medium which requires the step of forming a first dielectric layer mainly composed of niobium oxide on a substrate. Uno et al. fails to disclose these features.

Applicants note that the Examiner asserts that Fig. 8 of Uno et al. discloses an optical recording medium that can be considered to correspond to the claimed optical recording medium as defined in claims 1 and 6. Specifically, the Examiner asserts that in Fig. 8, Uno et al. discloses a substrate 100 having various protective layers, interface layers, reflective layers, and recording layers formed on the substrate 100. Uno et al. fails to disclose that any of these various layers is a dielectric layer which is formed between a first record layer and a substrate, and is mainly composed of niobium oxide. Uno et al., at column 17, lines 28-43 discloses that the various protective layers may be made of ZnS-SiO<sub>2</sub>, the interface layers may be made of Ge-Cr-N, the reflective layers may be made of Ag-Pd-Cu alloy, the recording layers may be made of Ge<sub>4</sub>Sb<sub>2</sub>Te<sub>7</sub>, and the separating layer 109 may be formed of SiO<sub>2</sub>. For at least the forgoing reasons, Uno et al. does not disclose the claimed first dielectric layer as defined in claims 1 and 6. Further, claims 2-8 and 11 depend from claims 1 and 6, and therefore are also not disclosed by Uno et al. by virtue of their dependencies.

In items 9 and 10 on page 5 of the Office Action, claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Uno et al. in view of Ishibashi et al. (JP01-286136).

Applicants submit that this rejection is also believed clearly inapplicable in view of amended independent claim 6. In particular, Ishibashi et al. fails to remedy the deficiencies of Uno et al. with respect to independent claim 6. Thus, for at least its dependence on independent claim 6, claim 9 would not have been rendered obvious by the combination of Uno et al. and Ishibashi et al.

Accordingly, for at least the above reasons reconsideration and withdrawal of the rejections are respectfully requested.

In view of the above, it is submitted that claims 1-9 and 11 are allowable over the prior art of record and that the present application is now clearly in condition for allowance. The Examiner is therefore requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of the nature necessary to place this case in condition for allowance then the Examiner is requested to contact applicants undersign attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

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